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Legislative Mandate for EPHT



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Topic Areas

- Review of Title 22, Chapter 250, Control of Notifiable Conditions - impact of recent changes in the law affecting environmental health (Chap. 383)
- Proposed changes to Chapter 271, environmental public health statutes
- Health information privacy/HIPAA and EPHT

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Legal Preparedness for EPHT

- As part of CDC grant, EHU needed to:
 - Evaluate present environmental health authorities in Ch. 271
 - Determine whether laws adequate to conduct environmental public health tracking projects
 - Assess need for change in laws to conduct epht projects

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Changes to Chapter 250

- Chapter 250, formerly called Control of Communicable Diseases, contains extreme public health emergency laws due to sunset in October 2005.
- P.L. 383 removed the sunsets and other changes related to new developments in emergency preparedness
- Important new authority for environmental public health reporting and surveillance.

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Emergency Preparedness Changes

- Eliminates sunsets for extreme public health emergency declarations.
- Clarifies reporting requirements for health providers, laboratories (both in state and out of state) pharmacists and veterinarians
- Rulemaking authority to address potential health workforce shortage.
- Rulemaking authority to handle mass dispensing.

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Emergency Preparedness Changes

- Employment protection for those affected by isolation and quarantine - protects Maine health care workers and others who are kept out of work either as a subject of an isolation or quarantine order or as a caregiver.
- Expand quarantine/isolation sites to include private residences to ensure voluntary compliance with quarantine and isolation orders.

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Emergency Preparedness Changes

- Confidentiality clarification
- Clarify that protected health information may be disclosed to providers in the event of an actual or threatened epidemic or outbreak, as declared by the Director of the Bureau of Health.
- A recent TB outbreak in Portland raised the problem created by the current law's constraint in a situation of serious public health concern but falling short of a public health emergency.

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New Focus on Environmental Public Health in Ch. 250

- New name - Control of Notifiable Conditions. This chapter formerly focused on reporting of communicable and occupational diseases.
- New name reflects the expansion of surveillance and reporting authorities to include environmental diseases as well as communicable and occupational diseases and conditions.
- New defined terms 801(4-B through 4-E), Environmental disease, environmental hazard, environmentally related health effects and exposure, toxic agent (801)(11) added as part of the vocabulary of environmental public health tracking.

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Environmental PH Changes in Ch. 250

- Notifiable Disease or Condition 801(7) - Definition expanded to reflect inclusion of environmental disease as a basis for a reportable disease or condition.
- Public health threat (801)(10) and Health Emergency (802)(2) - Expands definition of public health threat and health emergency beyond contact with communicable disease to include exposure to toxic agents or environmental hazards.

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Environmental PH Changes in Ch. 250

- Section 802 now clearly states that the Department has the authority to:
 - A. Designate and classify toxic agents and environmental hazards, or environmentally related health effects;
 - Establish requirements for reporting and other surveillance methods for measuring the occurrence of exposure to toxic agents and environmental hazards, or an environmentally related health effects; and
 - Investigate cases, epidemics and occurrences of exposures to toxic agents and environmental hazards, or an environmentally related health effect; and
 - Establish procedures for the control, detection, prevention and treatment of exposure to toxic agents or environmental hazards and environmentally related health effects

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Environmental PH Changes in Ch. 250

- Section 821 expands authority of Department to designate an exposure to a toxic agent or environmental hazard or environmentally related health effect as a notifiable disease or condition, to be added to the list of notifiable conditions in CMR 10-144; creates new reporting mandate for environmental conditions.
- One confidentiality standard now applies to all identifying health information secured for any reporting condition;

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Consequences of Changes for Environmental Public Health

- Environmental surveillance and tracking is now a core public health function within Chapter 250, equivalent to current authorities for communicable and occupational diseases.
- Environmental public health is now fully integrated as a focus of public health surveillance.
- Eliminates distinction between treatment of occupational and environmental disease, acknowledging that environmental factors outside the workplace contribute to many acute and chronic disease and conditions;
- Opens door to chronic disease reporting, neurological and developmental disability data thus far not reported in Maine;
- Should reduce concerns of providers regarding HIPAA since reporting will now be a matter of law.

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Chapter 271

- Background
 - Set of laws created in 1981
 - Broad mandate:
 - Develop and monitor health status. Includes establishing data banks for broad surveillance
 - Identify health problems, including those related to environmental factors
 - Investigate to determine whether particular problems are related to environmental factors
 - Advise state agencies (Conservation, EPA, Food and Rural Resources)
 - Public information - preventive and correction actions in area of environmental health

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Status of Ch. 271

- Broad mandate with complicated and stringent rules regarding data access and sharing;
- 1692-B provides broad access to “all confidential reports and records filed by physicians, hospitals . . for the purpose of conducting investigations or evaluating the completeness or quality of data submitted to the department’s disease surveillance programs.
- Rules in 1692-B(3) require consent of the individual for collection of most medical information - major obstacle for any surveillance or tracking system.

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Proposed Changes to 271

- Make chapter consistent with Ch. 250
 - New defined terms for epht
 - Authorities consistent with those provided for communicable and occupational disease tracking and surveillance
 - New reporting requirements for notifiable conditions
 - Confidentiality standard consistent with 250

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Proposed Changes in Ch. 271

- In 1692(3-a) - additional activity of Environmental Health Program:
 - Establish requirements for environmental surveillance, tracking and reporting
 - Rulemaking - Adopt all necessary and appropriate rules under this statute.

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Proposed Changes in Ch. 271

- New terms to include vocabulary of epht:
 - Environmental disease
 - Environmental exposure
 - Environmental hazard
 - Environmentally related health effects
 - Environmental public health tracking

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Proposed Changes to Ch. 271

- Expanded access to records filed by medical laboratories, pharmacists and veterinarians
- 1692-B (2) creates immunity for reporting or participating in a related environmental disease investigation.
- 1692-B(3) New rules section for reporting, recording and collecting information concerning exposure to toxic agents or environmental hazards or environmentally related health effects.
- Authority to designate any of these as notifiable disease or condition which must be reported.

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Proposed Changes to Ch. 271

- Deletion of sections of 1692-B(3) that present significant obstacles to data access and sharing and are more stringent than Maine law provides.
- 1692-B(4) New Section
 - Reporting requirement for health providers
- 1692-B(5) New Section
 - Confidentiality - Now consistent with Ch. 250

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Examples of new notifiable conditions as a result of changes in the laws

- Occupational disease already reportable can now be reported outside of workplace and without causation factor: asbestosis, mesothelioma, silicosis and exposure to heavy metals (mercury and lead).
- Carbon monoxide poisoning. Timely reporting may help correct source of exposure, warn others and help educate health professionals to identify CO poisoning.

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Potential Reportable Conditions

- Changes in Ch. 250 and 271 will enhance access to laboratory reports for lead levels beyond information new provided.
- Mercury poisoning. Reporting of exposure would allow for detection of effects as early as possible when still reversible. Reporting will supply important clues to determining where toxic exposure is taking place.

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State and Federal Privacy Laws and EPHT

- Maine law
- Federal law
- Public Health exemption

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Existing health databases

- Cancer registry
- Maine Birth Defects Program
- Occupational Diseases
- Vital statistics
- Maine Health Data Organization
- Lead Poison Control Act